



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 22, 2017

Ms. Helen Cropper
Forest Park
24253 Croppers Corner
Millsboro, DE 19966

RE: Notice of Violation and Information Request, Docket No. 003-2017-007-VS
Forest Park Water System, Millsboro, Delaware
PWS ID No. DE0000590

Dear Ms. Cropper:

The following Notice of Violation and Information Request are issued pursuant to Section 1414(a) of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-3(a), and are a coordinated effort with the State of Delaware. According to our records, and information we have received from the Delaware Office of Drinking Water (DE ODW), your public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, and the National Primary Drinking Water Regulations (NPDWR) found at 40 CFR Part 141.

Notice of Violation

Based on information we possess:

1. Ms. Helen Cropper ("Respondent") is a supplier of water and owner/operator of the Forest Park public water system (PWS), identification number DE0000590 ("System"). The System serves a population of approximately 46 persons with piped water for human consumption, for a minimum of six months per year.
2. Respondent is a "person" as defined by Section 1401 (12) of the SDWA, 42 U.S.C. §300f(12), and 40 CFR §141.2.
3. Forest Park is a community water system as defined in 40 CFR § 141.2 that provides water from a ground water source.

4. The System exceeded the Maximum Contaminant Level (MCL) for nitrate, as defined by 40 C.F.R. § 141.62, for the quarterly compliance periods beginning July 2013 consecutively through July 2016.
5. Respondent failed to prepare and deliver Consumer Confidence Reports as required by 40 C.F.R. §141.152 *et seq.* for the calendar years, 2012, 2013, 2014, and 2015.
6. Respondent failed to notify the public no later than 24 hours after the system learns of the violation as required by 40 CFR §141.202, for failing to meet the nitrate MCL during the quarterly monitoring periods beginning December 2011 through June 2012
7. Respondent failed to notify the public and those served by the System of its monitoring and reporting violations no later than one year after the public water system learns of the violation as required by 40 CFR §141.204, for the following monitoring and reporting violations:
 - a. Failure to monitor and report results for lead and copper during the monitoring periods January to June and July to December 2015.

Respondent is required to correct each of the above violations. EPA is available to provide advice and technical assistance to help address these issues.

This Notice of Violation is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). After thirty (30) days from the date of this notice, EPA is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system to comply, or to commence a civil action under Section 1414(b). Violations of the SDWA and the regulations are subject to penalties of up to \$38,175 per day of violation.

Request for Information

Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), authorizes EPA to require owners and operators of public water systems to provide information as may be necessary to carry out the purposes of the SDWA.

Respondent is required to provide EPA with the following information. This requirement to submit information is mandatory. Compliance with this requirement does not relieve Respondent of any liability for violations of the SDWA. Respondent may be subject to civil and criminal sanctions if it provides misleading or false information or fails to provide the requested information. Information which the Respondent provides may be used by EPA in administrative, civil, or criminal proceedings.

You may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 CFR Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to you. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 CFR §1320.3(c)).

Accordingly, pursuant to Section 1445(a) of the SDWA, Respondent is directed to provide EPA with the following information about the System:

1. Name and street address of the owner or owners of the System.
2. Name and street address of the operator or operators of the System (and state certification number, if applicable) if different than above. Do not provide a post office box. If a corporation, provide the names, titles, and addresses of officers.
3. Number of persons served by the System per day on average.
4. Number of service connections to the System.
5. State whether the System is operated year-round. If the System is not operated year-round, state the number of days in operation and the dates open.
6. Copies of results for lead and copper for all samples collected since 2011.
7. Copies of Consumer Confidence Reports (CCRs) for the calendar years 2011 through 2015; and any certifications made to the state regarding delivery of the CCRs to costumers.
8. A copy of any reports forwarded to the State concerning violations, monitoring activities for lead and copper and nitrate, any plans for addressing nitrate MCL violations, and any public notifications for the lead and copper monitoring violations, nitrate MCL violations since 2011.

Your response to this Notice of Violation and Request for Information shall be in writing.

Your response is due within thirty (30) days of receipt of this Notice of Violation and Request or Information. The instructions for responding to the inquiries are as follows:

- a. A separate narrative responds must be made for each question set forth above, and for any subpart to which it responds.
- b. Label each response with the corresponding number of the question and any subpart to which it responds.

You should submit your response to:

Caitlin Elverson
U.S. Environmental Protection Agency
Ground Water and Enforcement Branch (3WP22)
1650 Arch Street
Philadelphia, PA 19103-2029
elverson.caitlin@epa.gov

and

Mr. Keith Mensch
Delaware Health and Social Services
Division of Public Health
Office of Drinking Water
43 S. DuPont Hwy.
Dover, DE 19901

EPA has determined that your System may be a "small business" under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The enclosed document entitled "Information for Small Businesses" provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

If you have any questions regarding any of the above, please contact Ms. Caitlin Elverson, Ground Water and Enforcement Branch, at (215) 814-5455.

Sincerely,

A handwritten signature in blue ink, appearing to read "James C. Bennett Jr.", with a stylized flourish at the end.

James C. Bennett Jr., Chief

Ground Water and Enforcement Branch

Enclosure

cc: Keith Mensch, DE Office of Drinking Water